

Introduced by Senator Florez

January 24, 2005

An act to amend ~~Section~~ *Sections 142051, 142105, 142260, and 142263* of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 110, as amended, Florez. Fresno County Transportation Authority.

(1) The Fresno Transportation Improvement Act establishes the Fresno County Transportation Authority, which is authorized to impose a sales tax in Fresno County for up to 30 years for transportation purposes, subject to voter approval. Existing law specifies the wording of the proposition to be presented by the board of supervisors to voters in that regard.

This bill would delete the specific language for the proposition, and instead would require the language presented to the voters to include the nature of the tax to be imposed, the tax rate or maximum tax rate, the period during which the tax will be imposed, and the purposes for which the revenue from the tax will be used. The bill would authorize the board of supervisors to designate an agency to place the matter before the voters of Fresno County.

(2) *Existing law provides that the authority shall consist of 7 members and authorizes the authority to amend the expenditure plan for the sales tax revenues by a majority vote.*

This bill would expand the authority to 9 members and revise the composition of the authority. The bill would require the authority to establish a citizens oversight committee. The bill would modify the process for amending the expenditure plan to require approval of amendments by the board of supervisors and a majority of the cities in

Fresno County constituting a majority of the county's incorporated population. The bill would thereby impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 142051 of the Public Utilities Code is
2 amended to read:
3 142051. The authority shall consist of ~~seven~~ nine members
4 selected as follows:
5 (a) Two members of the board of supervisors appointed by the
6 board, *consisting of one member from rural district 1, 4, or 5 and*
7 *one member from urban district 2 or 3.*
8 (b) Two members representing the City of Fresno, consisting
9 of the mayor thereof and a member of the city council of that city
10 appointed by the city council.
11 (c) One member representing the City of Clovis appointed by
12 city council of that city.
13 (d) ~~One member~~ Two members representing the other cities
14 within the county, *consisting of one westside member appointed*
15 *by a committee comprised of the mayors of each of those cities*
16 *west of State Highway Route 99, and one eastside member*
17 *appointed by a committee comprised of the mayors of each of*
18 *those cities east of State Highway Route 99.*
19 (e) ~~One member~~ Two members of the public at large ~~selected~~
20 ~~by the other members of the authority~~, *consisting of one member*
21 *appointed by the board of supervisors with the appointee*
22 *residing outside of the incorporated areas of Fresno and Clovis,*
23 *and one member appointed jointly by the city councils of Fresno*

1 *and Clovis with the appointee residing within the incorporated*
2 *area of Fresno or Clovis.*

3 *SEC. 2. Section 142105 of the Public Utilities Code is*
4 *amended to read:*

5 142105. The authority shall do all the following:

6 (a) Adopt an annual budget.

7 (b) Adopt an administrative code, by ordinance, which
8 prescribes the powers and duties of the authority officers, the
9 method of appointment of the authority employees, and methods,
10 procedures, and systems of operations and management of the
11 authority.

12 (c) Cause a postaudit of the financial transactions and records
13 of the authority to be made at least annually by a certified public
14 accountant.

15 (d) Appoint a policy advisory committee composed of one
16 representative of each city in the county and one representative
17 of the county. Each representative on the committee shall be an
18 elected official. If a representative ceases to be an elected
19 official, that representative shall cease to be a member of the
20 committee, and another representative from that city or county,
21 as the case may be, shall be appointed. No person shall serve on
22 the authority and on the committee at the same time.

23 (e) *Establish a citizens oversight committee with membership,*
24 *method of appointment, roles, and responsibilities in accordance*
25 *with and as defined in the initial expenditure plan prepared for*
26 *the purposes of the extension of the retail transactions and use*
27 *tax.*

28 (f) Do any and all things necessary to carry out the purposes of
29 this division.

30 *SEC. 3. Section 142260 of the Public Utilities Code is*
31 *amended to read:*

32 142260. (a) The authority may, by the affirmative vote of a
33 majority of the members, approve, ~~or approve subject to~~
34 ~~amendment,~~ the updated expenditure plan adopted pursuant to
35 Section 142258. ~~The authority shall take all appropriate actions~~
36 ~~to give highest priority to the projects in the initial expenditure~~
37 ~~plan, and any amendments shall not delay or delete any project in~~
38 ~~the initial plan without the authority holding a public hearing and~~
39 ~~adopting a resolution specifically detailing the reason why the~~

~~amendments are necessary relative to conditions beyond control of the authority.~~

~~(b) The authority shall notify the transportation planning agency, the board of supervisors, and the city council of each city in the county and provide them with a copy of the proposed amendments. may amend the expenditure plan adopted pursuant to Section 142258, if required, subject to all of the following conditions:~~

~~(1) The authority shall take all appropriate actions to give highest priority to the projects in the initial expenditure plan, and any amendments shall not delay or delete any project in the initial plan without the authority holding a public hearing and adopting a resolution initiating the amendments that specifically detail the reason why the amendments are necessary relative to conditions beyond the control of the authority.~~

~~(2) The authority shall notify the transportation planning agency, the board of supervisors, and the city council of each city in the county and provide them with a copy of the proposed amendments.~~

~~(3) The amendment is approved by the board of supervisors.~~

~~(4) The amendment is approved by a majority of the cities constituting a majority of the population residing in the incorporated areas of the county.~~

~~(c) The proposed amendments shall become effective 45 days after notice is given pursuant to subdivision (b). A public hearing shall be held on the proposed amendments prior to final adoption if any city or the county objects to the amendment in writing within 30 days of receiving the notice immediately upon completion of the approval process in subdivision (b).~~

~~SECTION 1.~~

~~SEC. 4. Section 142263 of the Public Utilities Code is amended to read:~~

~~142263. (a) The board of supervisors, or its designee, as part of the ballot proposition to approve the imposition of a retail transactions and use tax, shall seek authorization from the electors to issue bonds payable solely from the proceeds of the tax.~~

~~(b) The maximum bonded indebtedness which may be authorized shall be an amount equal to the sum of the principal and interest on the bonds, not to exceed the estimated proceeds of~~

1 the tax, for a period of not more than 30 years. The actual
2 wording of the proposition on any short form of ballot card,
3 label, or other device, regardless of the system of voting used,
4 shall include all of the following:

- 5 (1) The nature of the tax to be imposed.
- 6 (2) The tax rate or the maximum tax rate.
- 7 (3) The period during which the tax will be imposed.
- 8 (4) The purposes for which the revenue derived from the tax
9 will be used.

10 *SEC. 5. If the Commission on State Mandates determines that*
11 *this act contains costs mandated by the state, reimbursement to*
12 *local agencies and school districts for those costs shall be made*
13 *pursuant to Part 7 (commencing with Section 17500) of Division*
14 *4 of Title 2 of the Government Code.*